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Paper No.

MAILED

DEC 06 2010

OFFICE OF PETITIONS

TI Law Group
2055 Junction Avenue, #205
San Jose CA 95131-2116

In re Application of :
Kondrk et al. :
Application No. 10/687,534 : DECISION ON PETITION
Filed: October 15, 2003 : PURSUANT TO 37 C.F.R.
Attorney Docket No.: 101- : § 1.137(b)
P291/P3157US1 :
Title: METHOD AND SYSTEM FOR :
SUBMITTING MEDIA FOR NETWORK- :
BASED PURCHASE AND DISTRIBUTION :
:

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), submitted on August 23, 2010, seeking the revival of the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed August 4, 2009, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 5, 2009. A notice of abandonment was mailed on February 17, 2010.

An original petition pursuant to 37 C.F.R. § 1.137(a) was filed on April 16, 2010, along with, *inter alia*, an amendment and a statement of facts. The petition fee was received on June 15, 2010, and the original petition was dismissed via the mailing of a decision on May 25, 2010. A renewed petition pursuant to 37 C.F.R. § 1.137(a) was filed on July 12, 2010, and was dismissed via the mailing of a decision on August 12, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the proper statement of unintentional delay.

The petition fee will be charged to Deposit Account No. 50-4298 in due course, as authorized in this petition.

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on April 16, 2010 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries

¹ See Rule 1.137(d).

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is

concerning this application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).